

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HOLTSINGER,

Plaintiff, No. CIV S-03-0732 MCE CMK P

vs.

J.M BRIDDLE et al.,

Defendants.

/ ORDER

Plaintiff, who is a state prisoner proceeding without counsel and in forma pauperis, brings this civil rights action pursuant to 42 U.S.C. § 1983. This proceeding was referred to the undersigned by Local Rule 72-302 by the authority of 28 U.S.C. § 636(b)(1). Currently pending before the court is plaintiff's "Motion to Amend/Alter."

On December 6, 2005, the court filed an order granting the stipulation of a voluntary dismissal with prejudice of parties filed by defendants Briddle, Martin, Jackson, Laguana, Felker, Weaver, Evans, Baron, Rohling, Wagner, Gillette, Roche, Stafford, Whittier, Armetta, Baughman and Quiggle. The court further ordered that defendant Runnels, in his official capacity as the Warden of High Desert State Prison, was the sole defendant remaining in this action. (Doc. 127.)

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1           On December 16, 2005, plaintiff filed a motion to amend the court's December 6,  
2 2005 order on the grounds that Defendant Knight and Defendant John Doe #5 still remain in their  
3 individual capacities as unserved defendants in this case. Plaintiff is correct, and the court  
4 accordingly will amend its December 6, 2005 order.

5           IT IS ORDERED THAT

6           1. The court's December 6, 2005 order granting the stipulation of voluntary  
7 dismissal with prejudice of parties filed by defendants Briddle, Martin, Jackson, Laguana, Felker,  
8 Weaver, Evans, Baron, Rohling, Wagner, Gillette, Roche, Stafford, Whittier, Armetta, Baughman  
9 and Quiggle is amended;

10           2. Defendants Briddle, Martin, Jackson, Laguana, Felker, Weaver, Evans, Baron,  
11 Rohling, Wagner, Gillette, Roche, Stafford, Whittier, Armetta, Baughman and Quiggle are  
12 dismissed with prejudice pursuant to Fed. R. Civ. P 41(a)(2);

13           3. Defendant Runnels, in his official capacity as Warden of High Desert State  
14 Prison, shall remain a defendant in this case until dismissed pursuant to the terms and conditions  
15 of a private settlement agreement entered into pursuant to 18 U.S.C. § 3626 (c)(2);

16           4. Defendant T. Knight and defendant John Doe # 5 also remain as defendants in  
17 this case.

18  
19 DATED: February 7, 2006.

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22 CRAIG M. KELLISON  
23 UNITED STATES MAGISTRATE JUDGE  
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